

**Executive Summary – Enforcement Matter – Case No. 52961**  
**PETROTEX FUELS, INC. dba Cowboy Truck Stop PFI 17**  
**RN102927894**  
**Docket No. 2016-1316-PST-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

PST

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Cowboy Truck Stop PFI 17, 24740 Hamshire Road, Hamshire, Jefferson County

**Type of Operation:**

Underground storage tank system and a convenience store with retail sales of gasoline

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** November 18, 2016

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$8,625

**Amount Deferred for Expedited Settlement:** \$1,725

**Total Paid to General Revenue:** \$6,900

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** April 2014

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** April 14, 2016

**Date(s) of NOE(s):** July 29, 2016

**Executive Summary – Enforcement Matter – Case No. 52961**  
**PETROTEX FUELS, INC. dba Cowboy Truck Stop PFI 17**  
**RN102927894**  
**Docket No. 2016-1316-PST-E**

***Violation Information***

1. Failed to investigate a suspected release of a regulated substance within 30 days of discovery. Specifically, statistical inventory reconciliation records for November and December 2015 indicated a suspected release that was not investigated [30 TEX. ADMIN. CODE § 334.74].
2. Failed to report a suspected release to the TCEQ within 24 hours of discovery. Specifically, statistical inventory reconciliation records for November and December 2015 indicated a suspected release that was not reported [30 TEX. ADMIN. CODE § 334.72].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent implemented the following corrective measures:

- a. Submitted a completed Incident Report Form thereby implementing procedures to report a suspected release to the TCEQ Beaumont Regional Office on July 22, 2016; and
- b. Submitted a completed Release Determination Report outlining the investigation of the suspected release to the TCEQ Beaumont Regional Office on July 22, 2016.

**Technical Requirements:**

N/A

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Epifanio Villarreal, Enforcement Division, Enforcement Team 6, MC R-14, (361) 825-3421; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**Respondent:** E H Steinhagen III, President, PETROTEX FUELS, INC., P.O. Box 7308, Beaumont, Texas 77726

**Respondent's Attorney:** N/A

<b>DATES</b>	Assigned	1-Aug-2016	Screening	4-Aug-2016	EPA Due
	PCW	4-Aug-2016			

<b>RESPONDENT/FACILITY INFORMATION</b>			
Respondent	PETROTEX FUELS, INC. dba Cowboy Truck Stop PFI 17		
Reg. Ent. Ref. No.	RN102927894		
Facility/Site Region	10-Beaumont	Major/Minor Source	Minor

<b>CASE INFORMATION</b>			
Enf./Case ID No.	52961	No. of Violations	2
Docket No.	2016-1316-PST-E	Order Type	1660
Media Program(s)	Petroleum Storage Tank	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Epifanio Villarreal
		EC's Team	Enforcement Team 6
Admin. Penalty \$ Limit Minimum		\$0	Maximum
			\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$8,750
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**ADJUSTMENTS (+/-) TO SUBTOTAL 1**  
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	20.0%	Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$1,750
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Notes: Enhancement for one order containing a denial of liability.

Culpability	No	0.0%	Enhancement	<b>Subtotal 4</b>	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	<b>Subtotal 5</b>	-\$1,875
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Economic Benefit	0.0%	Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts \$122  
Estimated Cost of Compliance \$5,100

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$8,625
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**OTHER FACTORS AS JUSTICE MAY REQUIRE**

	0.0%		<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

	<b>Final Penalty Amount</b>	\$8,625
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**STATUTORY LIMIT ADJUSTMENT**

	<b>Final Assessed Penalty</b>	\$8,625
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**DEFERRAL**

	20.0%	Reduction	<b>Adjustment</b>	-\$1,725
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>		\$6,900
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Screening Date 4-Aug-2016

Docket No. 2016-1316-PST-E

PCW

Respondent PETROTEX FUELS, INC. dba Cowboy Truck Stop PFI 17

Policy Revision 4 (April 2014)

Case ID No. 52961

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102927894

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Epifanio Villarreal

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 20%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Enhancement for one order containing a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 20%

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 20%

Screening Date 4-Aug-2016

Docket No. 2016-1316-PST-E

PCW

Respondent PETROTEX FUELS, INC. dba Cowboy Truck Stop PFI 17

Policy Revision 4 (April 2014)

Case ID No. 52961

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102927894

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Epifanio Villarreal

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 334.74

Violation Description

Failed to investigate a suspected release of a regulated substance within 30 days of discovery. Specifically, statistical inventory reconciliation ("SIR") records for November and December 2015 indicated a suspected release that was not investigated.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 15.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

## Violation Events

Number of Violation Events 2

174 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

Two quarterly events are recommended from the release investigation due date of January 30, 2016 to the July 22, 2016 compliance date.

## Good Faith Efforts to Comply

25.0%

Reduction \$1,875

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	x
N/A	

Notes

The Respondent came into compliance on July 22, 2016, prior to the Notice of Enforcement dated July 29, 2016.

Violation Subtotal \$5,625

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$119

Violation Final Penalty Total \$7,127

This violation Final Assessed Penalty (adjusted for limits) \$7,127



# Economic Benefit Worksheet

Respondent PETROTEX FUELS, INC. dba Cowboy Truck Stop PFI 17  
 Case ID No. 52961  
 Reg. Ent. Reference No. RN102927894  
 Media Petroleum Storage Tank  
 Violation No. 1

Percent Interest 5.0  
 Years of Depreciation 15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	30-Jan-2016	22-Jul-2016	0.48	\$119	n/a	\$119

Notes for DELAYED costs

Estimated cost to investigate a suspected release and implement appropriate corrective measures. The date required is the date the release investigation was due, and the final date is the date of compliance.

<b>Avoided Costs</b>	<b>ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)</b>						
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$5,000

TOTAL \$119

Screening Date 4-Aug-2016

Docket No. 2016-1316-PST-E

PCW

Respondent PETROTEX FUELS, INC. dba Cowboy Truck Stop PFI 17

Policy Revision 4 (April 2014)

Case ID No. 52961

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102927894

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Epifanio Villarreal

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 334.72

Violation Description

Failed to report a suspected release to the TCEQ within 24 hours of discovery. Specifically, SIR records for November and December 2015 indicated a suspected release that was not reported.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor
	X		

Percent 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$23,750

\$1,250

## Violation Events

Number of Violation Events 1

202

Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$1,250

One single event is recommended.

## Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,250

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$3

Violation Final Penalty Total \$1,500

This violation Final Assessed Penalty (adjusted for limits) \$1,500

# Economic Benefit Worksheet

**Respondent** PETROTEX FUELS, INC. dba Cowboy Truck Stop PFI 17  
**Case ID No.** 52961  
**Reg. Ent. Reference No.** RN102927894  
**Media** Petroleum Storage Tank  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	2-Jan-2016	22-Jul-2016	0.55	\$3	n/a	\$3

Notes for DELAYED costs

Estimated delayed cost to implement procedures to report a suspected release. The Date Required is the date the suspected release incident report was due and the Final Date is the compliance date.

<b>Avoided Costs</b>	<b>ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)</b>						
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$100

TOTAL \$3



The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



## TCEQ Compliance History Report

Compliance History Report for CN600749139, RN102927894, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

**Customer, Respondent, or Owner/Operator:** CN600749139, PETROTEX FUELS, INC. **Classification:** SATISFACTORY **Rating:** 5.84

**Regulated Entity:** RN102927894, COWBOY TRUCK STOP PFI 17 **Classification:** SATISFACTORY **Rating:** 32.50

**Complexity Points:** 7 **Repeat Violator:** NO

**CH Group:** 01 - Gas Stations with convenience Stores and other Gas Stations

**Location:** 24740 HAMSHIRE RD HAMSHIRE, TX 77622, JEFFERSON COUNTY

**TCEQ Region:** REGION 10 - BEAUMONT

**ID Number(s):**  
**PETROLEUM STORAGE TANK REGISTRATION**  
REGISTRATION 49357

**Compliance History Period:** September 01, 2010 to August 31, 2015 **Rating Year:** 2015 **Rating Date:** 09/01/2015

**Date Compliance History Report Prepared:** August 04, 2016

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** August 04, 2011 to August 04, 2016

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**

**Name:** EPI VILLARREAL **Phone:** (361) 825-3421

### Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? YES
- 3) Who is the current owner/operator? Petrotex Fuels, Inc. OWNER OPERATOR since 6/8/2012
- 4) Who was/were the prior owner(s)/operator(s)? 786 Texas Gas, Inc., OWNER OPERATOR, 7/19/2009 to 6/7/2012

### Components (Multimedia) for the Site Are Listed in Sections A - J

#### **A. Final Orders, court judgments, and consent decrees:**

- 1 Effective Date: 08/13/2011 ADMINORDER 2010-2009-PST-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter C 115.244(1)  
5C THSC Chapter 382 382.085(b)  
Description: Failed to conduct daily inspections of the Stage II vapor recovery system.  
Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter C 115.248(1)  
5C THSC Chapter 382 382.085(b)  
Description: Failed to ensure that at least one Station representative received training in the operation and maintenance of the Stage II vapor recovery system, and each current employee receives in-house Stage II vapor recovery training regarding the purpose and operation of the vapor recovery system.  
Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter C 115.246(1)  
30 TAC Chapter 115, SubChapter C 115.246(3)  
30 TAC Chapter 115, SubChapter C 115.246(7)(A)  
5C THSC Chapter 382 382.085(b)

Description: Failed to maintain all Stage II records at the Station and make them immediately available for inspection upon request by agency personnel. Specifically, a copy of the applicable California Air Resources Board Executive Order, Stage II maintenance records, and Stage II monthly inspection records were not available for  
Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.3475(c)(1)  
30 TAC Chapter 334, SubChapter C 334.50(d)(1)(A)  
30 TAC Chapter 334, SubChapter C 334.54(c)(3)(A)

Description: Failed to ensure the integrity of the UST system by the performance of tank tightness and piping tightness tests when that UST system has been temporarily out of service for longer than six months and is placed back into service. Specifically, the UST system has been "in-use" since June 16, 2010 and the tank tightness tests submitted to the agency were not accepted due to the inability to validate the testing method.

Classification: Major

Citation: 30 TAC Chapter 334, SubChapter A 334.8(c)(4)(A)(vii)  
30 TAC Chapter 334, SubChapter A 334.8(c)(4)(B)  
30 TAC Chapter 334, SubChapter A 334.8(c)(5)(B)(ii)

Description: Failed to timely renew a previously issued UST delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date. Specifically, the delivery certificate expired on October 31, 2010.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

**D. The approval dates of investigations (CCEDS Inv. Track. No.):**

Item 1            August 20, 2013            (1105321)

**E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

**F. Environmental audits:**

N/A

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
PETROTEX FUELS, INC. DBA  
COWBOY TRUCK STOP PFI 17  
RN102927894

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2016-1316-PST-E

### I. JURISDICTION AND STIPULATIONS

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding PETROTEX FUELS, INC. dba Cowboy Truck Stop PFI 17 (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates, as defined in 30 TEX. ADMIN. CODE § 334.2(73) and (70), an underground storage tank ("UST") system and a convenience store with retail sales of gasoline located at 24740 Hamshire Road in Hamshire, Jefferson County, Texas (the "Facility"). The UST system at the Facility is not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission, and contains or contained a regulated petroleum substance as defined in the rules of the TCEQ.
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$8,625 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$6,900 of the penalty and \$1,725 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.



5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facility:
  - a. Submitted a completed Incident Report Form thereby implementing procedures to report a suspected release to the TCEQ Beaumont Regional Office on July 22, 2016; and
  - b. Submitted a completed Release Determination Report outlining the investigation of the suspected release to the TCEQ Beaumont Regional Office on July 22, 2016.

## II. ALLEGATIONS

During an investigation conducted on April 14, 2016, an investigator documented that the Respondent:

1. Failed to investigate a suspected release of a regulated substance within 30 days of discovery, in violation of 30 TEX. ADMIN. CODE § 334.74. Specifically, statistical inventory reconciliation ("SIR") records for November and December 2015 indicated a suspected release that was not investigated.
2. Failed to report a suspected release to the TCEQ within 24 hours of discovery, in violation of 30 TEX. ADMIN. CODE § 334.72. Specifically, SIR records for November and December 2015 indicated a suspected release that was not reported.

### III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: PETROTEX FUELS, INC. dba Cowboy Truck Stop PFI 17, Docket No. 2016-1316-PST-E" to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. All relief not expressly granted in this Order is denied.
3. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
4. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
6. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of

manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

7. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.



## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

For the Executive Director

Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Signature

Date

Name (Printed or typed)

Title

Authorized Representative of

PETROTEX FUELS, INC. dba Cowboy Truck Stop PFI 17 — FORMER LANDOWNER

☒ If mailing address has changed, please check this box and provide the new address below:

"NEW LANDOWNER"  
HAMSHIRE FORTUNE LLC  
17319 EAST SUMMER ROSE COURT  
CYPRESS TX 77429  
ATTN: ANSAR MUKHI

**Instructions:** Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Ordering Provision 1 of this Order.

